In re Appln. of Robert C. Phillips, et al.
Application No. 09/750,585

REMARKS

The Office Action dated September 25, 2003, and the references cited therein have been carefully considered. Claims 1-24 are presently pending. No claims currently stand allowed. Applicants have not amended any of the claims that are all directed to an interface between non-volatile data storage and a *cell-based* switching fabric. In view of the remarks set forth herein below, the pending claims 1-24 are patentable over the prior art presently known to Applicants. Accordingly, Applicants request favorable reconsideration of the previous rejection of the now pending claims. Please charge any fee deficiencies to Deposit Account No. 12-1216.

Summary of the Claim Rejections

The following identifies the authority and prior art applied to the identified claims for each rejection of the claims set forth in the Office Action dated September 25, 2003.

1.   **Sections 1-4**: Claims 1-3, 5, 6, 13, 14, 16, 20, and 24 are rejected under Section 102(e) as being anticipated by Taylor U.S. Patent No. 6,289,376 B1.

2.   **Sections 5-8**: Claims 4, 7-12, 15, and 17-19 are rejected under Section 103 (a) as being unpatentable over Taylor.

3.   The Office Action does not provide any grounds for rejecting claims 21, 22 and 23.

Applicants traverse the grounds for each and every rejection for the reasons set forth herein below.

Applicants traverse the rejection, in **sections 2-4** of the Office Action, of claims 1-3, 5, 6, 13, 14, 16, 20 and 24. With regard to the rejection of claim 1, the grounds for the rejection merely identifies the entire abstract and description of the drawings and thereafter recite pending claim 1. Nowhere does the Office Action identify where any element of claim 1 is disclosed in the cited reference. No where does the cited Taylor reference disclose the recited non-volatile data storage interface unit that interfaces non-volatile data storage to a *cell-based* (e.g. ATM) switching fabric. Nor does the Taylor reference disclose the recited cell transceiver and non-volatile data storage controller (depicted by way of example in FIG. 2 of the current application) elements that make up the claimed interface.

7

In re Appln. of Robert C. Phillips, et al.
Application No. 09/750,585

With regard to the rejection of independent method claims 13 and 20, the Office Action does not specify/assert that Taylor discloses any of the recited steps of claim 13 that relate to packaging and transmitting data, retrieved from non-volatile data storage, in the form of cells to a cell-based switching fabric. Nor does the Office Action specify/assert that Taylor discloses any of the recited steps of claim 20 relating to receiving, by a cell receiver, data cells from the cell-based switch fabric, extracting the raw data from the cells, and transmitting the raw data to a non-volatile data storage controller. Applicants submit that the Taylor reference, which does not disclose a cell-based switch fabric, does not disclose any of the recited steps of claim 13 and 20.

Applicants traverse the rejection of each and every one of the dependent claims 2, 3, 5, 6, 14, 16, and 24 in sections 3 and 4 of the Office Action for at least the above provided reasons regarding the independent claims from which they depend. Section 4 of the Office Action, in rejecting claims 2, 3 and 14, asserts that FIG. 4 of Taylor discloses a buffer controller. However the buffer disclosed in Taylor is not used to buffer raw data before passing the data to the recited cell transmitter or passing the raw data to the non-volatile data storage. Applicants reserve the right to provide additional grounds should any further Office Action recite any reason for the rejection of these claims.

Applicants traverse the rejection, in section 5-8 of the Office Action, of dependent claims 4, 7-12, 15, and 17-19 as obvious over Taylor. With regard to the rejection in section 7 of claims 4 and 15 that recite an ATM switching fabric, Taylor neither suggests nor discloses such a switching fabric and instead unequivocally discloses an MPEG data packet switch. In the event that this rejection is not withdrawn, Applicants specifically request an actual reference backing the assertions of the Office Action within section 7. Applicants traverse the rejection, in section 8, of claims 7-12 and 17-19, and further specifically request reference citations to back each of the assertions made therein in support of their rejection.
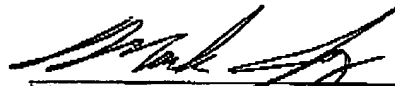
Finally, no grounds are recited for the rejection of claim 21-23. In the event that this rejection is not withdrawn, Applicants specifically request a statement of the grounds for the rejection of these claims. Since such rejection would be new, any Office Action containing such rejection should be non-final.

8

In re Appln. of Robert C. Phillips, et al.
Application No. 09/750,585

Conclusion

The application is considered in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney. Furthermore, in the event that claims 21-23 are not allowed, Applicants respectfully submit that any further action rejecting those claims should not be final since no grounds for their rejection have been provided in this Office Action.

Respectfully submitted,

Mark Joy, Reg. No. 35,662
LEYDIG, VOIT & MAYER, LTD.
Two Prudential Plaza, Suite 4900
180 North Stetson Avenue
Chicago, Illinois 60601-6780
(312) 616-5600 (telephone)
(312) 616-5700 (facsimile)

Date: March 25, 2004

M:\doc\par\mj\205468-roa(3_25).doc

9